

**IN UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

SHERMAN DIVISION

DATE: 6/24/2020

DISTRICT JUDGE
Amos L. Mazzant, III

COURT REPORTER: Jan Mason
COURTROOM DEPUTY: Keary Conrad

UNITED STATES OF AMERICA	
v.	4:18-CR-85
TYTON HESTER	

ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANT
Ernest Gonzalez and Colleen Bloss	James Mongaras and Katherine Reed

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

TIME:	MINUTES: Jury Trial -Day 2
9:00 a.m.	Court is in session. Court notes appearance of counsel and the parties.
9:01 a.m.	Jury seated.
9:02 a.m.	DEA SA Joseph Mata reminded he is still under oath. Government AUSA, Ernest Gonzalez continues direct examination of DEA SA Joseph Mata.
9:04 a.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 19. Defense objection to 401 403. Objection overruled. Government Exhibit 19 admitted.
9:06 a.m.	Government AUSA, Ernest Gonzalez offers Government Exhibit 20. Objection by defense counsel for lack of foundation. Objection overruled. Government Exhibit 20 is conditionally admitted, subject to the testimony of the chemist.
9:13 a.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 24. Defense objection to 401 403. Objection overruled. Government Exhibit 24 admitted.
9:19 a.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 25. Defense objection to relevance and 403. Objection overruled. Government Exhibit 25 admitted.
9:21 a.m.	Government AUSA, Ernest Gonzalez offers Government Exhibit 26. Objection by defense to 401 and 403. Objection overruled. Government Exhibit 26 admitted.
9:23 a.m.	Government AUSA, Ernest Gonzalez offers Government Exhibit 28A. Objection by defense to relevance. Objection overruled. Government Exhibit 28A admitted.

9:25 a.m.	Government AUSA, Ernest Gonzalez offers Government Exhibit 27. Objection by defense counsel for lack of foundation. Objection overruled. Government Exhibit 27 is conditionally admitted, subject to the testimony of the chemist.
9:26 a.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 28B. Defense objection to 401 and 403. Objection overruled. Government Exhibit 28B admitted.
9:31 a.m.	Government AUSA Ernest Gonzalez offers Government Exhibits 22A and 22B. Defense objection to hearsay and 401 and 403. Objection overruled. Government Exhibits 22A and 22B admitted.
9:36 a.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 191. No objection. Government's Exhibit 191 admitted.
9:38 a.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 29. Defense objection to 401 and 403. Objection overruled. Government's Exhibit 29 admitted.
9:50 a.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 30. Defense objection to relevance and prejudicial affect outweighs probative value. Objection overruled. Government's Exhibit 30 admitted.
9:51 a.m.	Government AUSA Ernest Gonzalez offers Government Exhibits 31, 33, 35, 37, 39 and 41. Defense objection to relevance. Objection overruled. Government's Exhibits 31, 33, 35, 37, 39 and 41 are admitted.
9:52 a.m.	Court recess for 15 minutes.
10:12 a.m.	Court re-convenes. Jury seated. Government AUSA Ernest Gonzalez continues direct examination of DEA SA Joseph Mata.
10:15 a.m.	Government AUSA Ernest Gonzalez offers Government Exhibits 32, 34, 36, 38, 40 and 42. Defense objection. Objection overruled. Government's Exhibits 32, 34, 36, 38, 40 and 42 are conditionally admitted.
10:18 a.m.	Defendant's counsel, James Mongaras, Jr begins cross-examination of DEA SA Joseph Mata.
10:48 a.m.	Government AUSA Ernest Gonzalez begins re-direct examination of DEA SA Joseph Mata.
11:02 a.m.	Defendant's counsel, James Mongaras, Jr begins re-cross-examination of DEA SA Joseph Mata.
11:09 a.m.	Government AUSA Ernest Gonzalez further questions of DEA SA Joseph Mata.
11:13 a.m.	Witness excused.
11:15 a.m.	Government AUSA Ernest Gonzalez calls Homeland Security Investigation Agent, Justin Marshal. Witness placed under oath. Government AUSA Ernest Gonzalez begins direct examination SA Justin Marshal.

11:24 a.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 44. Defense objection to relevance and 403. Objection overruled. Government Exhibit 44 are admitted.
11:42 a.m.	Government AUSA Ernest Gonzalez offers Government Exhibits 45A and 45B. Defense objection to relevance and 403. Objection overruled. Government Exhibits 45A and 45B are admitted.
11:49 a.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 46. Defense objection to 401 and 403. Objection overruled. Government Exhibit 46 is admitted.
11:52 a.m.	Government AUSA Ernest Gonzalez offers Government Exhibits 47A, 47B, 47C, and 47D. Defense objection to relevance and 403. Objection overruled. Government Exhibits 47A, 47B, 47C, and 47D are admitted.
11:58 a.m.	Government AUSA Ernest Gonzalez offers Government Exhibits 48A and 48B. Defense objection to hearsay, relevance and 403. Objection overruled. Government Exhibits 48A and 48B are admitted.
12:00 p.m.	Jury dismissed for lunch.
12:01 p.m.	Court adjourned for lunch.
1:01 p.m.	Court re-convened. HSI SA Justin Marshal reminded he is still under oath. AUSA Ernest Gonzalez continues direct examination of SA Justin Marshal.
1:03 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 192. No objection. Government's Exhibit 192 is admitted.
1:05 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 56. Defense objection as to 401 and 403. Government's Exhibit 56 is admitted.
1:10 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 215. No objection. Government's Exhibit 215 is admitted.
1:12 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibits 57A and 57B. Defense objection to 401 and 403. Objection overruled. Government Exhibits 57A and 57B are admitted.
1:18 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 64. Defense objection to 401 and 403. Objection overruled. Government Exhibit 64 is admitted.
1:33 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 65. Defense objection to 401 and 403. Objection overruled. Government Exhibit 65 is admitted.
1:35 p.m.	Government AUSA, Ernest Gonzalez offers Government Exhibit 66. Objection by defense. Objection overruled. Government Exhibit 66 is conditionally admitted, subject to the testimony of the chemist.

1:37 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 67A. Defense objection to 401 and 403. Objection overruled. Government Exhibit 67A is admitted.
1:38 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 67B. Defense objection to 401 and 403. Objection overruled. Government Exhibit 67B is admitted.
1:40 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 67C. Defense objection to 401 and 403. Objection overruled. Government Exhibit 67C is admitted.
1:44 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibits 67D, 67E, 67F, 67G and 67H. Defense objection to 401 and 403. Objection overruled. Government Exhibits 67D, 67E, 67F, 67G and 67H are admitted.
2:00 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 198. No objection. Government Exhibit 198 is admitted.
2:02 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 201. No objection. Government Exhibit 201 is admitted.
2:09 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 210, 211. No objection. Government Exhibit 210, 211 is admitted.
2:13 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 80. Defense objection to 401 and 403. Objection overruled. Government Exhibit 80 is admitted.
2:25 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibits 83, 84, 87. Defense objection to 401 and 403. Objection overruled. Government's Exhibits 83, 84, 87 are admitted.
2:28 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibits 89 and 91. Defense objection to relevance and 403. Objection overruled. Government's Exhibits 89 and 91 are admitted.
2:31 p.m.	Government AUSA, Ernest Gonzalez offers Government Exhibits 90 and 92. Objection by defense counsel for lack of foundation. Objection overruled. Government Exhibits 90 and 92 are conditionally admitted, subject to the testimony of the chemist.
2:36 p.m.	Defendant's counsel, James Mongaras, Jr begins cross examination of HSI SA Justin Marshal.
3:09 p.m.	Court recess for 15 minutes.
3:23 p.m.	Court re-convenes. Jury seated.
3:24 p.m.	Defendant's counsel, James Mongaras, Jr continues cross examination of HSI SA Justin Marshal.
3:39 p.m.	Government's counsel, Ernest Gonzalez begins re-direct examination of HSI SA Justin Marshal.
3:57 p.m.	Defendant's counsel, James Mongaras, Jr continues re-cross examination of HSI SA Justin Marshal.

4:07 p.m.	Witness excused.
4:08 p.m.	Government AUSA, Ernest Gonzalez calls FBI Special Agent, Jennifer Spark. Witness placed under oath. Government AUSA, Ernest Gonzalez begins direct examination of FBI SA, Jennifer Sparks.
4:20 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 193. No objection. Government's Exhibit 193 is admitted.
4:22 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 50. Defense objection to 401 and 403. Objection overruled. Government Exhibit 50 is admitted.
4:24 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 51. Defense objection to 401 and 403. Objection overruled. Government Exhibit 51 is admitted.
4:26 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 52. Defense objection to 401 and 403. Objection overruled. Government Exhibit 52 is admitted.
4:28 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 53. Defense objection. Government's Exhibit 53 is conditionally admitted subject to the testimony of the chemist.
4:29 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibits 54 and 55. Defense objection to hearsay, 401 and 403. Objection overruled. Government Exhibits 54 and 55 are admitted.
4:32 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 58. Defense objection to 401 and 403. Objection overruled. Government Exhibit 58 is admitted
4:35 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 59. Defense objection to 401 and 403. Objection overruled. Government Exhibit 59 is admitted
4:38 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 60. Defense objection to relevance and prejudicial value outweighs probative. Objection overruled. Government's Exhibit 60 is admitted.
4:40 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 61. Defense objection to 401 and 403. Objection overruled. Government Exhibit 61 is admitted.
4:40 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibit 62. Defense objection. Government Exhibit 62 is conditionally admitted subject to the testimony of the chemist.
4:49 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibits 68A through 74B. Defense objection to hearsay, 401 and 403. Objection overruled. Government Exhibits 68A through 74B are admitted.
4:54 p.m.	Government AUSA Ernest Gonzalez offers Government Exhibits 215 and 213. No objection. Government Exhibits 215 and 213 are admitted.
5:00 p.m.	Jury released.

5:01 p.m.	Court hears argument from Government regarding Government's Motion in Limine (Dkt. #470) filed 6/24/2020. Court hears response from Defendant's counsel, Katherine Reed.
5:13 p.m.	Court adjourned.

DAVID O'TOOLE, CLERK

By: Keary Conrad
Courtroom Deputy Clerk